

Remarks:

In the Office Action dated August 10, 2005, claims 1-5, in the above-identified U.S. patent application were rejected. Reconsideration of the rejections is respectfully requested in view of the above amendments and the following remarks. Claims 6-8 remain in this application, claims 1-5 have been canceled and claims 9-20 have been added to the application.

The office action indicates that only some of the certified copies of the priority documents have been received. Applicants point out that this application is a national stage entry of PCT/EP03/07062 and thus the certified priority documents should have been sent by the International Bureau. Applicants request that the Examiner obtain the certified copies from the International Bureau and indicate that all of the priority documents have been received.

Claims 1-5 were rejected under 35 USC §101. Claims 1-5 have been canceled and new method claims added to the application. In view of the cancellation of claims 1-5 and the addition of new claims to the application, this rejection is now moot.

Claims 1-5 were rejected under 35 USC §112, second paragraph, as indefinite. As discussed above, claims 1-5 have been canceled and new method claims added to the application. The new method claims recite method steps and use proper Markush language. In view of the cancellation of claims 1-5 and the addition of new claims to the application, this rejection is now moot.

Claims 1-5 were rejected under 35 USC §102(b) as anticipated by Weichold. Applicants respectfully point out that Weichold does not disclose the use of a

proteasome inhibitor to treat viral infections. Weichold discloses the use of a protease inhibitor as an immune modulating substance. These substances generally act on the cellular function in order to stimulate the immune system before an infection occurs. MG132 is described as a stimulator. In the examples in Weichold, a vaccine is administered which generally stimulates the immune system in order to reject or prevent infection. Vaccination is an indirect method which is clearly different from the direct treatment of a viral infection as in the present invention. The present application describes the direct treatment of viral infections (i.e. after the infection has occurred) such as CMV. Weichold does not suggest or disclose the direct treatment of viral infections as Weichold is directed to the overall beneficial effect of substances on the immune status (i.e. preventive). In contrast to Weichold, the present invention treats an already existing infection in the cell which requires a specific selection of the compound to be used. In view of the new claims added to the application which clarify that the patient is infected with a virus, applicants request that this rejection be withdrawn.

Applicants respectfully submit that all of claims 9-20 are now in condition for allowance. If it is believed that the application is not in condition for allowance, it is respectfully requested that the undersigned attorney be contacted at the telephone number below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

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